

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	25-1492, State of Rhode Island Office of the General Treasurer et al. v. The Boeing Co. et. al.
Originating No. & Caption	1:24-cv-00151-LMB-LRV, In re The Boeing Co. Sec. Litig.
Originating Court/Agency	United States District Court for the Eastern District of Virginia

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. §1292(e); Fed. R. Civ. P. 23(f); F.R.A.P. 5(a)	
Time allowed for filing in Court of Appeals	14 Days	
Date of entry of order or judgment appealed	March 7, 2025	
Date notice of appeal or petition for review filed	March 21, 2025	
If cross appeal, date first appeal filed	N/A	
Date of filing any post-judgment motion	N/A	
Date order entered disposing of any post-judgment motion	N/A	
Date of filing any motion to extend appeal period	N/A	
Time for filing appeal extended to	N/A	
Is appeal from final judgment or order?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If appeal is not from final judgment, why is order appealable? Petition for permission to appeal was granted pursuant to Fed. R. Civ. P. 23(f) on May 2, 2025 (Case No. 25-135)		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case	N/A	
Case number of any pending appeal in same case	N/A	
Identification of any case pending in this Court or Supreme Court raising similar issue	25-1146 (4th Cir.)	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>Securities case. District court certified class. Issue is whether plaintiffs presented sufficient evidence of a classwide damages methodology to permit certification. This Court granted review under Rule 23(f).</p> <p>Parties are already in court-ordered mediation before a third-party mediator. Boeing does not believe the appeal should be assigned to the circuit mediation program.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Whether securities plaintiffs can satisfy their evidentiary burden under Comcast Corp. v. Behrend, 569 U.S. 27 (2013), by having their expert recite the generally applicable rule for measuring damages for such claims and promise to develop a methodology for applying that rule to the particular facts of the case at a later date.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: State of Rhode Island Office of the General
Treasurer, on behalf of the Employees' Retirement
System of Rhode Island and others similarly situated

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itself and others similarly situated

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Adverse Parties (continued)

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Phone:

Adverse Party:

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Phone:

Appellant (Attach additional page if necessary.) See attached pages.

Name:

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E-mail:

Phone:

Name:

Attorney:
Address:

E-mail:

Phone:

Appellant (continued)

Name:

Attorney:
Address:

E-mail:

Phone:

Name:

Attorney:
Address:

E-mail:

Phone:

Signature: /s/ Jeffrey B. Wall

Date: May 9, 2025

Counsel for: Appellants The Boeing Company, David L. Calhoun, Dennis A. Mulenburg, Brian J. West, and Gregory D. Smith

Certificate of Service (required for parties served outside CM/ECF): I certify that this document was served on _____ by ☐ personal delivery; ☐ mail; ☐ third-party commercial carrier; or ☐ email (with written consent) on the following persons at the addresses or email addresses shown:

Signature:

Date:

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